

**REMARKS**

This Amendment and Response to Non-Final Office Action is being submitted in response to the non-final Office Action mailed July 25, 2006. Claims 1-10 and 12-21 are pending in the Application. Claims 1, 4, 6-7, 9, 12-14, and 20-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Goodwin *et al.* (U.S. Pat. No. 6,701,089). Claims 2, 3, 5, 8, 10, and 15-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Goodwin *et al.* (U.S. Pat. No. 6,701,089) in view of Condict (U.S. Pat. No. 5,978,115).

In response to these rejections, Claims 1 and 12 have been amended to further clarify the subject matter which Applicant regards as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the arguments presented herein, reconsideration of the Application is respectfully requested.

**Rejection of Claims 1, 4, 6-7, 9, 12-14, and 20-21 – 35 U.S.C. §102(e) – Goodwin *et al.***

Claims 1, 4, 6-7, 9, 12-14, and 20-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Goodwin *et al.* (U.S. Pat. No. 6,701,089).

Examiner states that Goodwin *et al.* disclose determining channel powers which is the equivalent to channel weighting values.<sup>1</sup> Applicant respectfully disagrees. Goodwin *et al.* disclose determining a post power margin for each channel which is the minimum of the difference between the operating post amp power at every EDFA and that from the provisioned limit at every EDFA.<sup>2</sup> Goodwin *et al.* disclose a method of equalizing WDM channels based on measured performance factors such as BER and Q.<sup>3</sup> Goodwin *et al.* do

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<sup>1</sup> See Non-Final OA, July 25, 2006, page 2

<sup>2</sup> See U.S. Pat. No. 6,701,089, Col. 9, lines 38-48

<sup>3</sup> *Id.* at Col. 5, lines 10-13

not disclose a method for coordinating channel power information utilizing channel weighting values or determining channel powers which are the equivalent to channel weighting values.

Applicant has amended independent Claims 1 and 12 to further clarify the present invention. Specifically, Applicant has added a limitation stating that channel weighting values are based upon one or more of channel data rate, channel format, equipment configuration, transmitter launch power, VOA settings, and combinations thereof. Applicant has invented a novel method to coordinate channel power information in a WDM system by communicating a channel weighting value and channel information to each network element. The channel weighting values are utilized to track and coordinate power through the system. The power is allocated to channels at network elements in the system based upon the channel weighting values. This algorithm takes into account the channel bit rate, presence of FEC, equipment configuration, transmitter launch power, and VOA settings to coordinate and track power levels at each network element in the WDM system. Applicant respectfully notes that Goodwin *et al.* utilize performance measurements such as BER and Q to coordinate power, and not channel weighting values as disclosed by Applicant.

Specifically, Claim 1 has been amended to recite:

1. A method for coordinating channel power information in a wavelength division multiplexed optical communications system having at least a first and a second network element, the method comprising:

gathering information on local communications assets local to the first network element including launch path power values and channel information of the plurality of wavelength division multiplexed channels output from the first network element;

determining channel weighting values for the plurality of wavelength division multiplexed channels output from the first network element based on the launch path power values and the channel information, wherein at least one of said plurality of channel weighting values is different from the remainder of said plurality of channel weighting values ***and wherein the channel weighting values are based upon transmitter launch power and one or more of channel data rate,***

***channel format, equipment configuration, and variable optical attenuator settings;***

storing the launch path power values, the channel weighting values, and the channel information in a database operatively connected to the first network element; and

transmitting the channel weighting values from the first network element to the second network element, and

said gathering step accessing the database to gather information on local communications assets local to the first network element.

Additionally, Claim 12 has been amended to recite:

12. A method for using coordinated channel power information in a network element of a wavelength division multiplexed optical communications system carrying a plurality of channels, the method comprising:

receiving a plurality of channel weighting values and channel information for wavelength division multiplexed channels generated upstream of the network element wherein at least one of said plurality of channel weighting values is different from the remainder of said plurality of channel weighting values ***and wherein the channel weighting values are based upon transmitter launch power and one or more of channel data rate, channel format, equipment configuration, and variable optical attenuator settings;***

storing the channel weighting values and the channel information in a database operatively connected to the network element;

determining a set of in-view channels that are passing through a point in the network element based on the channel information;

calculating a reference value according to channel weighting values corresponding to the set of in-view channels; and

utilizing the reference value as a basis for managing at least a portion of the network element corresponding to the point through which the in-view channels pass.

Therefore, Applicant respectfully submits that the rejection of Claims 1, 4, 6-7, 9, 12-14, and 20-21 under 35 U.S.C. §102(e) as being anticipated by Goodwin *et al.* (U.S. Pat. No. 6,701,089) has been traversed and respectfully requests that this rejection be withdrawn.

**Rejection of Claims 2, 3, 5, 8, 10, and 15-19 – 35 U.S.C. §103(a) –  
Goodwin *et al.* and Condict**

Claims 2, 3, 5, 8, 10, and 15-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Goodwin *et al.* (U.S. Pat. No. 6,701,089) in view of Condict (U.S. Pat. No. 5,978,115).

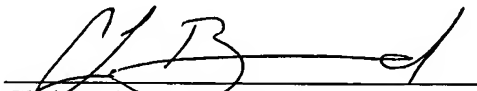
The amendments to Claims 1 and 12 and the arguments related thereto apply with equal force here. Therefore, Applicant respectfully submits that the rejection of Claims 2, 3, 5, 8, 10, and 15-19 under 35 U.S.C. §103(a) as being unpatentable over Goodwin *et al.* (U.S. Pat. No. 6,701,089) in view of Condict (U.S. Pat. No. 5,978,115) has been traversed and respectfully requests that this rejection be withdrawn.

**CONCLUSION**

Applicant would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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